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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,652	09/27/2001	Randy P. Stanley	42390P12156	5228

7590

09/10/2004

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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/966,652

Applicant(s)

STANLEY, RANDY P.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 5/10/2004.
2. Claims 1-5, 7-9, 11-17, and 19-26 are pending in this application. Claims 1, 13, and 24 are independent claims. In the Amendment A, Claims 1, 4, 5, 8, 12, 13, 15, 20, 21, 23, and 25 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

Claim 26 is objected to because of the following informalities:

It appears that the applicant wanted to remove "associating" from the claim and add "displaying", however "displaying" is crossed out and "associating" is no longer in the claim at all.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 1, 2, 8, 11, 15, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raje Software (Focus on Today) in view of Harries et al. (US 6496780).

In regards to claim 1, Raje Software teaches an apparatus comprising: an information display, wherein a value of a variable selected from the group consisting of percentage of maximum daylight, sunrise, sunset, phase of the moon, tide height, wave height, wind speed, probability of precipitation, weather conditions, a birthday, a

graduation day, and an anniversary, pertaining to a particular time, is associated with a portion of said information display (See Figure 1, Element 1, the information selected in this element is presented in figure 2, element 1). Raje Software does not teach an apparatus wherein the said variable is associated with an icon representing an image of said value of said variable and wherein the icon is embedded on a portion of said information display. Harries teaches, "In addition to weather imagery, indicia and sounds, the screen 110 may display weather measurements and/or the instruments associated with, or used to obtain, them. For example, in FIGS. 2-9, the screen includes a thermometer 210 and an accompanying temperature readout 220." (Column 3, Line 63). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software with the teachings of Harries and include icons that represent the value of their variable with the motivation to provide information to the user that is readily understood by the viewing audience (Harries, Column 1, Line 24).

In regards to claim 2, Raje Software teaches an apparatus wherein said value of said variable is associated with a location (See Figure 3).

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 11, Raje Software teaches a method further comprising correlating the icon with a magnitude of the variable (See Figure 2, Element 1, when the variable is off then no information is shown, when the variable is on then the appropriate data (i.e. icon) is shown).

Claim 15 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 11; therefore it is rejected under similar rationale.

Claims 3, 7, 9, 14, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Raje Software (Focus on Today) in view of Harries et al. (US 6496780) further in view of Daniel Basterfield.

In regards to claim 3, Raje Software and Harries teach all the limitations of claim 1. They do not teach an apparatus wherein said information display is handheld. Basterfield teaches that you can have the IBM PalmTop PC110 running under the Windows 95 environment. Since this PC is so small it is considered to be handheld. Further since Raje Software's product only requires a Windows 95 operation system to run, the IBM PalmTop PC 110 would have been sufficient at running the application. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software's invention and Harries with the teachings of Basterfield and include an apparatus that could run on an IBM PalmTop PC 110 with the motivation to make the application easy to carry anywhere.

In regards to claim 7, Raje Software, Harries, and Daniel Basterfield teach all the limitations of claim 3. Basterfield further teaches that the information display is coupled with a handheld computer. Basterfield teaches that you can have the IBM PalmTop PC110 running under the Windows 95 environment. Since this PC is so small it is

considered to be handheld. Further since Raje Software's product only requires a Windows 95 operating system to run, the IBM PalmTop PC 110 would have been sufficient at running the application.

Claim 9 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claims 4, 5, 12, 13, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raje Software (Focus on Today) in view of Harries et al. (US 6496780) further in view of Hirai (US 5892519).

In regards to claim 4, Raje Software and Harries teach all the limitations of claim 1. They do not teach an apparatus wherein a modulation of background intensity of said icon is correlated with said variable. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56,

Also Figures 6a-6f). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software and Harries with the teachings of Hirai and include an apparatus that changes appearance overtime with the motivation to provide the user a feeling of the outside world when he is using the computer.

In regards to claim 5, Raje Software and Harries teach all the limitations of claim 1. They do not teach an apparatus wherein a modulation of background intensity of an icon is correlated with said variable to form a watermark image on said information display. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

In regards to claim 12, Raje Software and Harries teach all the limitations of claim 8. They do not teach a method, wherein said associating causes a background intensity of the portion of the information display to be correlated with the variable. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

In regards to claim 13, Raje Software and Harries teaches all the limitations of claim 8. They do not teach a method, wherein said associating causes a modulation of a background intensity of the portion of the information display to be correlated with the variable. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

Claim 20 is in the same context as claim 12; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claims 23, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raje Software (Focus on Today) in view of Sureguard.

In regards to claim 23, Raje Software teaches an apparatus comprising: an information display (See Figure 4); and a calendar to be displayed on said information display (See Figure 2, and Figure 4). Raje Software does not teach an apparatus wherein an image representing a percentage of maximum sunlight for a selected time and a location is associated with a calendar entry to be displayed on said information display. Sureguard teaches an apparatus wherein an image representing a percentage of maximum sunlight for a selected time and a location is displayed on the screen (See

Figure 5-7). Since Raje Software already shows information about the sunrise and the sunset it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software with the teachings of Sureguard and include an image representing the percentage of sunlight with the motivation to provide the user with a convenient way of determining how much sunlight will be available and for what portion of the day.

In regards to claim 25, Raje Software teaches a method comprising: estimating a percentage of maximum sunlight for a time and location; and associating the percentage of maximum sunlight with a calendar entry(See Figure 2, and Figure 4). Since the sunset and sunrise times are given, it is inherent that a percentage of maximum sunlight can be calculated. Raje Software does not teach a method displaying an image of the percentage of sunlight on an information display. Sureguard teaches a method displaying an image of the percentage of sunlight on an information display (See Figure 5-7). Since Raje Software already shows information about the sunrise and the sunset it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software with the teachings of Sureguard and include an image representing the percentage of sunlight with the motivation to provide the user with a convenient way of determining how much sunlight will be available and for what portion of the day.

In regards to claim 26, Raje Software and Sureguard teach all the limitations of claim 25. Raje Software does not teach a method wherein said results in modulating the image intensity of a part of said information display. Sureguard teaches a method wherein said displaying results in modulating the image intensity of a part of said

information display (See Figure 5-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software with the teachings of Sureguard and modulate the image intensity with the motivation to provide the users with a better understanding of changes in regards to sunlight over different periods of time.

Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over by Raje Software (Focus on Today) in view of Sureguard further in view of Daniel Basterfield.

In regards to claim 24, Raje Software and Sureguard teach all the limitations of claim 23. They do not teach an apparatus wherein said information display is handheld. Basterfield teaches that you can have the IBM PalmTop PC110 running under the Windows 95 environment. Since this PC is so small it is considered to be handheld. Further since Raje Software's product only requires a Windows 95 operation system to run, the IBM PalmTop PC 110 would have been sufficient at running the application. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Raje Software and Sureguard with the teachings of Basterfield and include an apparatus that could run on an IBM PalmTop PC 110 with the motivation to make the application easy to carry anywhere.

Response to Arguments

Applicant's arguments with respect to claim 1-5, 7-9, 11-17 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. After the Examiner relocates to the new headquarters in Alexandria VA, the Examiner's phone number will change to (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Pesin
AU 2174
August 26, 2004


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